

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of : **AFEK et al.**

:

Serial No.: 09/929,877 : Group Art Unit: 2151

:

Filed : August 14, 2001 : Examiner: Frantz B. Jean

:

For : METHODS AND APPARATUS FOR PROTECTING AGAINST
OVERLOAD CONDITIONS ON NODES OF A
DISTRIBUTED NETWORK

Certificate of Electronic Transmission 37 CFR 1.8

I hereby certify that this correspondence and any attachments are being electronically filed via EFS-Web with the United States Patent and Trademark Office on the date shown below.

Dated: September 11, 2008 Signature: /Joshua T. Matt/ (Joshua T. Matt)

September 11, 2008

RESPONSE TO OFFICIAL ACTION

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to an Official Action dated June 13, 2008, Applicant respectfully submits the following remarks. This application contains claims 1-8, 10, 11, 13-16, 20, 33, 35 and 46-69, all of which were rejected in the Official Action. Reconsideration is respectfully requested in view of the remarks that follow.

Claims 1-8, 10, 11, 13-16, 20, 33, 35 and 46-69 were rejected under 35 U.S.C. 102(e) over Raz (U.S. Patent

Application Publication 2008/0016566). Applicants respectfully traverse this rejection.

Raz was filed July 6, 2007, as a continuation of U.S. Patent Application 09/672,206, filed September 28, 2000. Applicants submit herewith a Declaration under 37 CFR 1.131 proving that the invention recited in the independent claims of the present patent application was conceived prior to September 28, 2000, and that Applicants were then diligent in constructive reduction to practice of the invention between September 28 and October 17, 2000, when they filed U.S. Provisional Patent Application 60/240,899. The present patent application includes a valid priority claim to the provisional patent application, which provides support meeting the requirements of 35 U.S.C. 112 for all the claims now pending in the application.

In view of the above facts and supporting evidence, Applicants respectfully submit that Raz is inapplicable as prior art against the present patent application, and the present rejection of the claims over Raz should therefore be withdrawn.

Applicant believes the amendments and remarks stated above to be fully responsive to all of the objections and grounds of rejection raised by the Examiner. In view of these amendments and remarks, all the claims in the present patent application are believed to be in condition for allowance. Prompt notice to this effect is requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 103376-3.

Respectfully submitted,

/Joshua T. Matt/

Joshua T. Matt (Reg. No. 55,435)

Attorney for Applicant

Nutter McClennen & Fish LLP

155 Seaport Boulevard

Boston, MA 02310-2604

Tel: (617) 439-2651

Fax: (617) 310-9651

Date: Sep. 11, 2008